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UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America v. Sergio AMADOR-ALVAREZ

Case: 2:19-mj-30395 Assigned To: Unassigned Assign. Date: 7/24/2019 Description: RE: SERGIO AMADOR-ALVAREZ (EOB)

CRIMINAL COMPLAINT

On or al	bout the date(s) of _	Ju	ly 17, 2019	in the county of	Macomb	in the
Eastern	District of	Michigan	, the defendar	t(s) violated:		
Code Section				Offense Description		
Title 8, United Sta	ates Code, Section 132	26(a)	Unlawful Re-entry	after Removal from the Unite	ed States	
				(
✓ Continued of	on the attached shee	t.		J.R. Buf	i cionature	
					. 0	
				Jason R. Bayliss, Bo Printed name		
Sworn to before me	and signed in my prese	nce.		Uronalch	azzas	
Date: $\frac{7/2}{}$	4/19	y' .		Judge's sig	nature	
City and state:D	etroit, Michigan		N	Iona K. Majzoub, United State Printed name		

<u>AFFIDAVIT</u>

- I, Jason R. Bayliss, declare the following under penalty of perjury:
- 1. I am a Border Patrol Agent with the U.S. Department of Homeland Security. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers and record checks of law enforcement databases. I have also reviewed the immigration file and system automated data relating to Sergio AMADOR-ALVAREZ, which attests to the following:
- 2. AMADOR-ALVAREZ is a 32-year-old male, native and citizen of Mexico, who last entered the United States at an unknown place, on an unknown date without being admitted, inspected or paroled by an Immigration Officer.
- 3. On March 22, 2005, AMADOR-ALVAREZ was arrested by the Border Patrol near Comstock, Texas and granted a Voluntary Return to Mexico. On July 18, 2005, he was arrested by the Border Patrol near Falfurrias, Texas and granted a Voluntary Return to Mexico.
- 4. On July 20, 2010, AMADOR-ALVAREZ was arrested by the U.S. Border Patrol near Marysville, Michigan and was served with a Warrant of Arrest and Notice to Appear. On July 29, 2010, an immigration judge in Detroit Michigan granted AMADOR-ALVAREZ a Voluntary Departure to Mexico. On August 8, 2010, he departed the United States from Detroit Metropolitan Airport back to Mexico.
- 5. On June 24, 2014, AMADOR-ALVAREZ was arrested by the Macomb County Sheriff's Department and charged with Operating-License Suspended. He was convicted and sentenced on June 30, 2014 to serve 7 days in jail for this offense. On July 01, 2014 AMADOR-ALVAREZ was released from the Macomb County Sheriff's custody to an ICE detainer and served with a Warrant of Arrest and Notice to Appear. On September 24, 2014 an immigration judge in Detroit, Michigan, ordered AMADOR-ALVAREZ removed from the United States. On December 16, 2014, he was removed from the United States to Mexico through Laredo, Texas.
- 6. On June 26, 2015, AMADOR-ALVAREZ was arrested by the U.S. Border Patrol near Marysville, Michigan and had his original order of removal reinstated. He was removed from the U.S through Laredo, Texas on July 7, 2015.
- 7. On July 17, 2019, AMADOR-ALVAREZ was encountered by the U.S. Border Patrol in Clinton Township, Michigan. A field interview was conducted in which

- AMADOR-ALVAREZ freely admitted that he was illegally present in the United States after having been removed in July of 2015. He was then placed under arrest.
- 8. AMADOR-ALVAREZ's fingerprints and photograph were captured and entered into the Automated Biometric Identification System (IDENT) and the Integrated Automated Fingerprint Identification System (IAFIS). The results revealed that AMADOR-ALVAREZ is a citizen of Mexico who has been previously removed from the United States. The record checks did not provide any evidence that AMADOR-ALVAREZ legally entered the United States or had been issued any legal immigration document to allow him to enter or remain the United States.
- 9. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and 1231 Title 8, U.S.C. to arrest and detain an alien entering or attempting to enter the United States, or an alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
- 10. Review of the Alien File (A# xxx xxx 324) for Sergio AMADOR-ALVAREZ and queries in U.S. Border Patrol computer databases confirm no record exists of him obtaining permission from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States following his removal on July 7, 2015.
- 11. Based on the above information, I believe there is probable cause to conclude that Sergio AMADOR-ALVAREZ is an alien who was found in the United States after removal, without the express permission from the Attorney General of the United States or from the Secretary of the Department of Homeland Security to re-apply for admission into the United States in violation of Title 8, United States Code, Section 1326(a)(1).

Jason R. Bayliss, Border Patrol Agent U.S. Department of Homeland Security

Sworn to before me and signed in my presence and/or by reliable electronic means.

Honorable Mona K. Majzoub

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United States Magistrate Judge

7/24/19